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Gregory J. Koerner Redwood Patent Law 1291 East Hillsdale Boulevard Suite 205 Foster City, CA 94404			EXAMINER KOVACEK, DAVID M	
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

## Application No.

10/805,781

## Applicant(s)

ABREGO ET AL.

## Examiner

David Kovacek

## Art Unit

2626

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 08 May 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-52 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-52 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SI/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Continued Examination Under 37 CFR 1.114*

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 05/08/2009 has been entered.

2. This Office Action is response to applicant's Amendment, filed 05/08/2009, in which the applicant amends **claims 1, 21, 41-47** and **49**, adds new **claim 52**, and argues for patentability of the claims over the previously cited prior art.

### *Response to Amendment*

3. The applicant's amendments to **claims 1, 21, and 41-47** have been considered and are accepted. It is noted by the examiner that the current amendments substantially change the scope of the limitations of the claims as previously presented.

It is noted by the examiner that formal acceptance of the conditions of the claims is not an indication of allowability of the claims over the prior art. Appropriate rejections are included in this Office Action in the relevant sections below.

4. The applicant's amendments to **claim 49** have been considered, but have not been found to be formally acceptable. Appropriate objections and/or rejections are included in this Office Action in the relevant sections below.

5. The applicant's presentation of new **claim 52** has been considered, but has not been found to be formally acceptable. Appropriate objections and/or rejections are included in this Office Action in the relevant sections below.

### ***Response to Arguments***

6. Applicant's arguments with respect to the previous rejection of **claim 49** under 35 USC §112, First Paragraph, filed 05/08/2009 have been fully considered but they are not persuasive.

In particular, the disclosure of the Specification previously cited to the Examiner (Page 15, lines 23-29 and Page 14, line 23 - Page 15, line 18) do in fact provide disclosure of the terms "label amplitude" and "label duration." Though the applicant is permitted to act as a lexicographer with regards to the present invention, any special

meaning given to any term, invented or not, must be present in the Specification as a clear and explicit definition in the affirmative. Such a definition is not presented for either term within the body of the specification, nor in any of the original disclosure of the instant application. Each term is not particularly defined by the applicant and the examiner contends that neither term is sufficiently well-known within the art that such a definition is unnecessary. The examiner notes that the "labels" of the instant invention are defined as static text data, being referred to as "text labels" throughout both the instant specification and the claims as currently presented.

The applicant specifically argues further that "the terms 'amplitude' and 'duration' are standard parameters for electronic signals...the 'labels' in question are created and stored in an electronic format, and therefore may readily possess these attributes (Remarks of 05/07/2009: Page 17, paragraph 3)."

The examiner contends that an appropriate interpretation for each of "label amplitude" and "label duration" respectively would be the "amplitude of a label" and the "duration of a label." The examiner maintains that it is unclear exactly how the otherwise well-known terms of art "amplitude" and "duration" can be applied to static text data, which is how the labels are disclosed throughout the instant application. To clarify this position, the examiner believes it is analogous to determining the "amplitude" and "duration" of a spreadsheet document or other static data.

The applicant is invited to provide evidence to either definitively and objectively discredit this interpretation of the claims based upon the disclosure of the instant application or to provide resources from a variety of sources within the prior art that

show the common usage of each term.

In view of the current amendments to **claim 49**, the examiner believes the applicant is selectively interpreting each of "label amplitude parameter" and "label duration parameter" to describe the amplitude and duration of the dynamic narration data. However, the examiner maintains that not only is such a selective interpretation in no way exclusive of the interpretation provided above, the phrasing of the terms in fact suggests the examiner's interpretation to one of ordinary skill in the art, wherein the "amplitude" and "duration" elements of the terms are modifying the respective "label" elements, and not the narrative data the labels are intended to identify. The examiner contends that specific disclosure of these elements as "label amplitude" and "label duration" further supports this interpretation.

The examiner now further believes that the applicant had originally intended to provide such limitations as "amplitude label parameter" and "duration label parameter," which the examiner contends would be a more appropriate recitation to describe what is believed to be the intended subject matter. Unfortunately, such a dramatic shift in meaning of the claim language, without basis of the specific terms in the specification, would comprise new matter being added to the disclosure of the instant application.

As argued previously, the applicant asserts that "the Specification clearly describes how the labels are derived from recorded speech data that similarly has both amplitude and duration (Page 18, paragraph 01)." The examiner respectfully disagrees that such a teaching is clearly shown in the specification as argued by the applicant, and is unable to determine any specific correlation to how the narrative influences the creation of a

"label amplitude" to describe the "amplitude" of a text string, or the "label duration" to describe the "duration" of a text string.

However, the examiner contends that the Specification at most makes usage of these terms, in particular at the referenced sections of the Specification, but does not provide any clear meaning to one of ordinary skill in the art.

For at least the above reasons, the applicant's arguments with respect to the previous rejection of **claim 49** under 35 USC 112, First Paragraph are non-persuasive.

7. Applicant's arguments with respect to previous rejections under 35 USC §102(e) and 35 USC §103(a) have been considered but are moot in view of the new ground(s) of rejection.

Certain arguments remain relevant to the new grounds of rejections and are appropriately discussed below.

In particular, the applicant argues with respect to **claims 1, 5-6, 9, 21, 41-47 and 51** that "the Examiner repeatedly states that certain claimed limitations are inherent, well-known, or predictable (Remarks of 05/08/2009: Page 23, paragraph 03)." The examiner would first like to clarify that the only application of any element of the rejection that has been determined "predictable" are the results of modifications that have otherwise been determined as obvious.

The applicant is additionally reminded that proper disclosure of the prior art is not limited to what the references explicitly disclose, but also includes what is suggested, implied, inherent, or rendered obvious by the disclosures of the prior art to one of ordinary skill in the art.

In particular, obviousness to one of ordinary skill in the art has been re-defined by the Supreme Court with the ruling in *KSR International Co. v. Teleflex Inc.* (hereinafter "*KSR*"). Prior to the ruling in *KSR*, the standard application to determine obviousness was considered to be the "teaching, suggestion, or motivation" test (hereinafter "*TSM*"). The findings of *KSR* stated that reliance exclusively on *TSM* had previously been flawed in concluding "that a patent claim cannot be proved obvious merely by showing that the combination of elements was 'obvious to try' (*KSR*, Opinion of the Court: Page 17, paragraph 02)." The Supreme Court further stated that:

"When there is a design need or market pressure to solve a problem and there are a finite number of identified, predictable solutions, a person of ordinary skill has good reason to pursue the known options within his or her technical grasp. If this leads to the anticipated success, it is likely the product not of innovation but of ordinary skill and common sense (*KSR*, Opinion of the Court: Page 17, paragraph 02)."

The examiner contends that given this broader application of obviousness the teachings of the prior art as cited provide sufficient disclosure and motivation to provide



one of ordinary skill in the art incentive to combine the teachings of the prior art in a way that would be applicable to the limitations of the claims of the instant invention. It is noted by the examiner that the disclosure of the prior art is not limited to the explicit teachings of the same, but further includes any teachings that are inherent, implied, or suggested such that one of ordinary skill in the art would be aware of them. It is further argued by the examiner that the intended usage of the prior art need not match that of the instant invention provided that the prior art sufficiently provides teachings and motivations to provide one of ordinary skill in the art good reason to pursue options within his or her technical grasp. In the previous rejection, the examiner has attempted to provide clear and concise evidence and reasoning to show how the limitations in question are rendered obvious to try in this fashion by the teachings of the prior art to one of ordinary skill in the art.

The examiner further contends that with particular respect to the teachings of the prior art, when such analysis showing obviousness is provided in prosecution the burden rests with the applicant in discrediting the assertion that the instant invention is rendered obvious by the prior art using objective evidence, reasoning or rationale. It is noted by the examiner that such counter-analysis is not provided in sufficient detail to illustrate the flaws of the previous rejections. For at least these reasons, the examiner finds the applicant's arguments against the previously cited inherency and obviousness analyses to be non-persuasive.

Lastly, the applicant argues with respect to the previous rejection of **claims 7**,

**12-13, 27, and 32-33** that the teachings of Nicholson (US PG PUB 2002/0067859; cited previously) are "not directed toward any field of endeavor that remotely resembles that of Applicants' invention...Nicholson does not pertain to any sort of digital videography techniques...Nicholson is non-analogous art, and is therefore not relevant with respect to Applicants' claimed invention [emphasis in original] (Remarks of 05/08/2009: Page 26, paragraph 02)."

The examiner first notes that the claims are not directly specifically and exclusively to videography, but explicitly recite a photographic target and audio/video data. At minimum, these limitations of the claims would mean that the field of relevant art would include photographic data, such as is disclosed by Nicholson. However, the examiner further contends that one of ordinary skill in the art of videography would additionally be at least familiar with the art of photographic processing, as the visual data in the field of videography is composed of a succession of photographic images. This classification is particularly relevant in the digital domain, to which the teachings of Nicholson are directed. Therefore, the examiner contends that the procession of video data is analogous to the processing of photography and that one of ordinary skill in the art of videography, as is applicable to the instant application, would additionally be familiar with the principles of photography as well.

The examiner further notes that the previously cited field of art considered for the teachings of Nicholson comprises media data storage, search, organization, and retrieval. Specifically, the examiner contended that each of the combined references Newman (US PG PUB 2003/0101156; cited previously) and Nicholson are directed to "a

system for retrieving media data using labels for the purpose of allowing better organization of said data (Office Action of 03/05/2009: Page 30, paragraph 05).” The examiner further contends that the applicant provides no further arguments regarding the specific reasons why Nicholson fails to be included in this particular field of art.

For at least the above reasons, the examiner contends that the applicant’s arguments regarding the teachings of Nicholson as non-analogous art are non-persuasive.

***Claim Rejections - 35 USC § 112***

8. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

9. **Claims 49 and 52** rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

With regard to **claim 49**, the amended version of the claim comprises the added limitations of "said label amplitude parameter being based upon a narration amplitude, said label duration parameter being based upon a duration of said narration." Neither limitation is properly supported by the original disclosure of the application. Therefore each limitation comprises new matter.

With regard to **claim 52**, this new claim comprises a limitation of "head-mounted sound-sensor device that is worn in close proximity to said narrator." Such an arrangement is not properly supported by the original disclosure of the application, and therefore said limitation comprises new matter.

10. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

11. **Claim 49** is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

With respect to **claim 49**, the terms "label amplitude" and "label duration" are not terms well known within the art and are not particularly defined

within the disclosure of the instant application. The examiner contends that there is no clear meaning for either of these terms that would be understood by one of ordinary skill in the art without further clarifications. The previous disclosure of the application would mostly likely lead one of ordinary skill in the art to understand a "label amplitude" of a text label to be the "amplitude of the text label" and a "label duration" of a text label to be the "duration of the text label."

As noted above, the examiner contends that there is no clear meaning for either of these terms, either to reinforce or discourage an appropriate usage of either term. The additional limitations of "said label amplitude parameter being based upon a narration amplitude, said label duration parameter being based upon a duration of said narration" appear to attempt to redefine this interpretation for one of ordinary skill in the art, but such definitions are not present in view of the specification of the instant application. For this reason, the limitations of **claim 49** comprise ambiguous subject matter which does not particularly point out and distinguish what is considered the applicant's invention from the prior art.

### ***Claim Rejections - 35 USC § 103***

12. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

13. **Claims 1-2, 4-6, 8-10, 15-17, 21-22, 24, 28, 30, 35-37, 41-47 and 50-51** are rejected under 35 U.S.C. 103(a) as being unpatentable over Newman in view of Kanevsky (US Patent 6,434,520; previously cited but not relied upon).

Regarding **claim 1**, Newman discloses a system for cataloguing information comprising:

- an electronic device that captures audio/video data corresponding to a photographic target [data acquisition device] (Col. 2, paragraphs 0012-0014; Col. 3, paragraph 0032),
- said audio/video data [Audio, photo and/or video; APV data] including a narration [audio messages] concurrently provided by a narrator specifically to mark where respective subject matter locations are positioned in said audio/video data [selectively retrieved] (Col. 2, paragraphs 0019, 0022-0023, 0025; Col. 3, paragraphs 0032-0033);
- a speech recognition engine that automatically performs a speech recognition process upon said narration to generate labels [tags] that correspond to said respective subject matter locations in said audio/video data (Page 2, paragraph 0017; Page 3, paragraphs 0025, 0033),

- said labels being text conversions of utterances in said narration [converting audio files to text files] (Page 2, paragraph 0017; Page 3, paragraph 0025; Page 3, paragraph 0033 – Page 4, paragraph 0036),
- said labels each being specifically aligned with corresponding ones of said respective subject matter locations within said audio/video data [storing message with data; logs with indicators; tags for identification data] (Page 2, paragraphs 0013, 0017, 0019; Page 3, paragraph 0033);

Kanevsky additionally discloses a system for indexing audio/video data [audio/multimedia files] (Abstract) comprising:

- a speech recognition engine that automatically performs a speech recognition process upon said narration to generate labels that correspond to said respective subject matter locations in said audio/video data [regularly extracting audio data stream into segments; speech recognition/transcription module decodes the spoken utterances in segments] (Fig. 1, elements 102, 109; Col. 3, lines 12-19; Col. 6, lines 39-44),
- said labels being text conversions of utterances in said narration [decoding spoken utterances and generating a corresponding transcription] (Col. 6, lines 39-44),

- said labels each being specifically aligned with corresponding ones of said respective subject matter locations within said audio/video data [processing feature vectors by determining the locations of changes in speaker, channel and/or background and then marking said locations] (Fig. 1, element 103; Col. 3, lines 19-29); and
- a label manager that manages a label mode for generating and storing said labels [audio indexing system with database], said label manager also controlling a label search mode that utilizes said labels to automatically locate said respective subject matter locations in said audio/video data [database includes tags] (Fig. 1, elements 105-111; Col. 7, lines 21-26; Col. 8, lines 21-36, lines 49-52).

The references are combinable because each is directed to the field of media storage, organization, and retrieval. Kanevsky further provides motivation to combine the references in disclosing the utility of labeling audio [tagging data] based upon identity of speakers or other specified circumstances for the purpose of increasing efficiency in searching a large volume of media data (Co. 1, lines 28-39).

Therefore, the examiner contends that it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Newman and Kanevsky for the purpose of implementing an apparatus for the storage,



organization, and retrieval of media data that is further operable to utilize audio labels based upon speaker identity or other specified circumstances for the purpose of increasing efficiency in searching large volumes of media data.

Regarding **claim 2**, Newman in view of Kanevsky discloses all limitations of **claim 1** as applied above, and Newman further discloses that said electronic device is implemented as an audio/video camcorder device [video camera] (Page 2, paragraphs 0014, 0021; Page 3, paragraph 0032).

Regarding **claim 4**, Newman in view of Kanevsky discloses all limitations of **claim 1** as applied above, and Newman further discloses that said label manager initially instructs said electronic device to enter a real-time label mode [data acquisition devices read at a fixed time interval] for creating and storing said labels [tags] (Page 3, paragraphs 0032-0033), said electronic device concurrently [run continuously or run selectively at desired times] capturing said audio/video data and said narration after said label manager instructs said electronic device to enter said real-time label mode (Page 3, paragraph 0032).

Regarding **claim 5**, Newman in view of Kanevsky discloses all limitations of **claim 1** as applied above, and Newman further renders obvious that said electronic device enters a real-time label mode in response to a

verbal label-mode command from a system user, said verbal label-mode command being recognized and provided to said label manager by said speech recognition engine in disclosing a system for labeling [tags] data (Page 3, paragraph 0033) that is responsive to selective searching (Page 2, paragraph 0022 – Page 3, paragraph 0023), and additionally includes voice recognition components for entering data (Page 3, paragraph 0025).

Because Newman teaches both verbal commands of the system, and also teaches labeling data, both elements of the claim are known in view of the teachings of Newman. Furthermore, speech control is one of a finite number of input methods for the system as taught by Newman and there is reasonable expectation of success for one of ordinary skill in the art to adapt the speech control disclosure of Newman to accommodate input of label [tag] data. The examiner further contends that any system that operates on the time-dependent basis of voice-input must inherently operate in real-time for proper functional operation to the end-user. Therefore, because Newman teaches all components of the limitations of **claim 5**, including a verbal command mode as one of a finite number of inputs to the system and an input of label data mode, and one of ordinary skill in the art would have no reason not to expect success in adapting the verbal commands to include input of label data, it would have been obvious for one of ordinary skill in the art at the time the invention was made to modify the teachings of Newman to accommodate greater flexibility of data input by doing so.

Regarding **claim 6**, Newman in view of Kanevsky discloses all limitations of

**claim 1** as applied above, and Kanevsky further discloses that said speech recognition engine automatically generates said labels as said electronic device captures said audio/video data and said narration [source of audio stream may be conversational speakers; unsupervised segmentation] (Fig. 2A; Fig. 2B; Col. 2, lines 63-66; Col. 3, lines 55-59)

Regarding **claim 8**, Newman in view of Kanevsky discloses all limitations of **claim 1** as applied above, and Newman further discloses that said label manager stores said labels during a real-time label mode, said labels being stored along with meta-information that associates each of said respective subject matter locations to a corresponding one of said labels [date and time] (Page 3, paragraph 0033).

Regarding **claim 9**, Newman in view of Kanevsky discloses all limitations of **claim 1** as applied above, and Kanevsky further discloses that said electronic device initially captures said audio/video data and said narration prior to entering said label mode [audio stream may be a pre-recorded video with accompanying audio track] (Col. 2, lines 63-66).

Regarding **claim 10**, Newman in view of Kanevsky discloses all limitations of **claim 1** as applied above, and Newman further discloses that said label manager instructs said electronic device to enter a non-real-time label

mode [data access after operation is complete] for creating and storing said labels [data review], said electronic device responsively retrieving and playing back said audio/video data and said narration (Page 4, paragraph 0035-0037).

Regarding **claim 15**, Newman in view of Kanevsky discloses all limitations of **claim 1** as applied above, and Newman further discloses that said label manager stores said labels in a non-real-time label mode, said labels being stored along with meta-information that associates each of said respective subject matter locations to a corresponding one of said labels [tags] (Page 3, paragraph 0032-0033; Page 4, paragraph 0035-0037).

Regarding **claim 16**, Newman in view of Kanevsky discloses all limitations of **claim 1** as applied above, and Kanevsky further discloses a system user interactively selects a search label for performing a label search procedure to locate a specific one of said respective subject matter locations corresponding to said search label [user may retrieve stored audio segments from the database by formulating queries based on one or more parameters corresponding to indexed information] (Col. 1, line 61 – Col. 2, line 04).

This limitation is directly related to the teachings of Kanevsky applied above to the limitations of **claim 1**. Therefore, the motivation to combine the references is the same for **claim 16** as applied above to **claim 1**.

Regarding **claim 17**, Newman in view of Kanevsky discloses all limitations of **claim 1** as applied above, and Newman further implies that said label manager generates a label-search GUI on a display of said electronic device, a system user viewing said labels and corresponding representative images [icons] from said audio/video data for selecting a search label (Page 4, paragraph 0035-0038) in disclosing that the data retrieval system as disclosed by Newman includes a selective display capability for presenting relevant data to a user.

Regarding **claims 21-22, 24-26, 28-30, and 35-37**, these claims are very similar to **claims 1-2, 4-6, 8-10, and 15-17** respectively as applied above, and are rejected for the same reasons.

Regarding **claims 41-42 and 44-47**, each of these claims is very similar to **claim 1** as applied to above, and is rejected for the same reasons.

Regarding **claim 43**, this claim contains limitations very similar to those found in a combination of **claims 1, 8, 13, and 15**, which are all addressed by Newman

individually, and therefore **claim 43** is rejected for the same reasons.

Regarding **claim 50**, Newman in view of Kanevsky discloses all limitations of **claim 17** as applied above, and Newman further discloses that said representative images are implemented as thumbnail images [icons corresponding to an image related to data] (Page 4, paragraphs 0037, 0039).

Regarding **claim 51**, Newman in view of Kanevsky discloses all limitations of **claim 1** as applied above, and Newman further renders obvious that said electronic device is a single discrete video camcorder that hosts said speech recognition engine, said label manager, said labels, and said audio/video data (Page 1, paragraph 0006; Page 2, paragraphs 0014-0015, 0021; Page 3, paragraph 0032) in disclosing the inclusion of a camcorder as a device for initial data capture [video camera] (Page 2, paragraph 0014; Page 3, paragraph 0033), and that the system can be embodied in a single device (Page 1, paragraph 0006).

Because such limitations of the claim are taught by Newman, they would have been known to one of ordinary skill in the art in view of Newman at the time the invention was made. Furthermore, motivation to combine the elements taught in Newman would exist because it is well-known in the art to integrate functionality of system into a single portable device to increase convenience and transportability of said system.

The references are combinable because each is directed to the field of media storage, organization, and retrieval. Kanevsky further provides motivation to combine the references in disclosing the utility of labeling audio [tagging data] based upon identity of speakers or other specified circumstances for the purpose of increasing efficiency in searching a large volume of media data (Co. 1, lines 28-39).

Therefore, the examiner contends that it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Newman and Kanevsky for the purpose of implementing an apparatus for the storage, organization, and retrieval of media data that is further operable to utilize audio labels based upon speaker identity or other specified circumstances for the purpose of increasing efficiency in searching large volumes of media data and is further implemented on a single device encapsulating all elements of the system for the purpose of increasing convenience and transportability of said system.

14. **Claims 3, 14, 18-20, 23, 34, and 38-40** are rejected under 35 U.S.C. 103(a) as being unpatentable over Newman in view of Kanevsky and in further view of Belrose (US Patent Application Publication 2003/0144843), cited in a prior Office Action.

Regarding **claim 3**, Newman in view of Kanevsky discloses all limitations of **claim 1** as applied above.

Belrose additionally discloses:

- said speech recognition engine is configured in a simplified configuration [specific queries] that efficiently compares said narration with acoustic models to identify phone strings [recognizing a user information request] that represent said narration [speech input] (Page 2, paragraph 0030; Page 3, paragraphs 0047, 0051-0052),
- said speech recognition engine referencing a compact dictionary to look up recognized vocabulary words that correspond to said phone strings [one or more queries] (Page 3, paragraph 0048),
- said speech recognition engine utilizing a limited set of recognition grammar to form said recognized vocabulary words into said labels [label for a feature] that are supported by said speech recognition engine (Page 6, paragraph 0106).

The references are combinable because each is directed to a system for capturing, storing, and browsing audio and/or video data and organizing said data using labels for ease of access to said data. Kanevsky further provides motivation to combine the references in disclosing the utility of labeling audio [tagging data] based upon identity of speakers or other specified circumstances for the purpose of increasing efficiency in searching a large volume of media data (Co. 1, lines 28-39). Belrose further provides motivation to combine the references in disclosing the utility of



encapsulating such a system into a mobile device [cellular telephone] operable using voice commands (Page 1, paragraph 0003) to allow free mobility of the system.

Therefore, the examiner contends that it would have been obvious to combine the teachings of Newman with the teachings of Kanevsky and Belrose in order to implement a media browser organized using labels that is operable to utilize audio labels based upon speaker identity or other specified circumstances for the purpose of increasing efficiency when searching large volumes of audio, and is further encapsulated into a mobile device operable using voice commands to allow free mobility of the system.

Regarding **claim 14**, Newman in view of Kanevsky discloses all limitations of **claim 1** as applied above. Belrose additionally discloses that said label manager coordinates a label validation procedure for validating said labels in response to verbal validation commands from a system user [identification], said verbal validation commands being recognized and provided to said label manager by said speech recognition engine [determine the nature of the information to be recorded] (Page 6, paragraph 0098-0108).

This limitation is directly related to the voice command input limitation disclosed by Belrose as applied above to **claim 3**. Therefore, the motivation to combine the references is the same for **claim 14** as applied above for **claim 3**.

Regarding **claim 18**, Newman in view of Kanevsky discloses all limitations of **claim 1** as applied above. Belrose additionally discloses that a system user selects a search label by issuing a verbal search-label command [hotspot label], said verbal search-label command being recognized and provided to said label manager by said speech recognition engine (Page 6, paragraph 0106; Page 7, paragraphs 0110-0113).

This limitation is directly related to the voice command input limitation disclosed by Belrose as applied above to **claim 3**. Therefore, the motivation to combine the references is the same for **claim 18** as applied above for **claim 3**.

Regarding **claim 19**, Newman in view of Kanevsky discloses all limitations of **claim 1** as applied above. Belrose additionally discloses that said label manager instructs said electronic device to automatically locate and retrieve a specific one of said respective subject matter locations in response to a system user selecting a search label [hotspot dialogue blocks] (Page 6, paragraphs 0106-0108).

This limitation is directly related to the voice command input limitation disclosed by Belrose as applied above to **claim 3**. Therefore, the motivation to combine the references is the same for **claim 19** as applied above for **claim 3**.

Regarding **claim 20**, Newman in view of Kanevsky discloses all limitations of **claim 1** as applied above. Belrose additionally discloses that said electronic

device automatically plays back a specific retrieved one of said respective subject matter locations [greeting dialog block specific to narrator] from said audio/video data for viewing by said system user (Page 6, paragraphs 0097-0100).

This limitation is directly related to the voice command input limitation disclosed by Belrose as applied above to **claim 3**. Therefore, the motivation to combine the references is the same for **claim 20** as applied above for **claim 3**.

Regarding **claim 23**, this claim is very similar to **claim 3** and is rejected for the same reasons.

Regarding **claim 34**, this claim is very similar to **claim 14** and is rejected for the same reasons.

Regarding **claims 38-40**, these claims are very similar to **claims 18-20** respectively and are rejected for the same reasons.

15. **Claims 7, 12-13, 27, and 32-33** are rejected under 35 U.S.C. 103(a) as being unpatentable over Newman in view of Kanevsky and in further view of Nicholson (US Patent Publication Application 2002/0067859), cited in the previous Office Action.

Regarding **claim 7**, Newman in view of Kanevsky discloses all limitations of **claim 1** as applied above. Nicholson additionally discloses a post processor [digital processor] operating in real-time to perform a validation procedure for the labels based upon confidence measures [threshold confidence level] (Page 2, paragraph 0012).

The references are combinable because each is directed to a system for retrieving media data using labels for the purpose of allowing better organization of said data. Kanevsky further provides motivation to combine the references in disclosing the utility of labeling audio [tagging data] based upon identity of speakers or other specified circumstances for the purpose of increasing efficiency in searching a large volume of media data (Co. 1, lines 28-39). Nicholson further provides motivation to combine in disclosing the utility of a system that is able to discriminate between identifiable and non-identifiable data for the purpose of maintaining a high level of recognition by the user of decoded data with a minimal additional storage cost (Page 2, paragraph 0014).

Therefore, the examiner contends that it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Newman and Nicholson in order to implement a system for retrieving media data that is operable to utilize audio labels based upon identity of speakers or other specified circumstances for the purpose of increasing efficiency in searching a large volume of media data, and further is operable to use labels that utilizes discrimination between identifiable and non-identifiable data in order to maintain a high level of user recognition of decoded data with minimal additional storage costs.

Regarding **claim 12**, this claim is very similar to **claim 7** and is rejected for the same reasons.

Regarding **claim 13**, Newman in view of Kanevsky discloses all limitations of **claim 1** and additionally discloses a validation graphical user interface [display] allowing users to evaluate, delete, and edit labels [tags] (Page 4, paragraphs 0035-0037).

Nicholson additionally discloses coordinating a label validation procedure for validating said labels (Page 2, paragraph 0012).

The limitations of **claim 13** are very similar to those of **claim 7**, and therefore the motivation to combine the references is the same for **claim 13** as for **claim 7**.

Regarding **claim 27**, this claim is very similar to **claim 7** and is rejected for the same reasons.

Regarding **claims 32-33**, these claims are very similar to **claims 12-13** respectively, and each is rejected for the same reasons respectively.

16. **Claims 11, 31, and 48** are rejected under 35 U.S.C. 103(a) as being unpatentable over Newman in view of Kanevsky in further view of Adams (US Patent Application Publication 2004/0008209), cited in a previous Office Action.

Regarding **claim 11**, Newman in view of Kanevsky discloses all limitations of **claim 1** as applied above. Adams additionally discloses automatically [addressing devices automatically] generating labels [meta-data] by analyzing audio/video data and narration data during playback of said audio/video data and said narration data (Page 3, paragraph 0074-0080).

The references are combinable because each is directed to a system for storage and retrieval of media data. Kanevsky further provides motivation to combine the references in disclosing the utility of labeling audio [tagging data] based upon identity of speakers or other specified circumstances for the purpose of increasing efficiency in searching a large volume of media data (Co. 1, lines 28-39). Adams provides motivation in disclosing the utility of providing automated association of meta-data to audio/video data in order to allow for more efficient organization of audio/video data (Page 6, paragraph 0111).

Therefore, the examiner contends that it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Newman, Kanevsky and Adams in order to implement a system for storage and retrieval of media data that utilizes audio labels based upon identity of speakers or other specified circumstances for the purpose of increasing efficiency in searching a large volume of media data and is further operable to provide automated association of meta-data to said media data in order to allow for more efficient organization of said media data.

Regarding **claim 31**, this claim is very similar to **claim 11** and is rejected for the same reasons.

Regarding **claim 48**, Newman in view of Kanevsky discloses all limitations of **claim 8** as applied above. Adams additionally implies the use of video timecode information as a component of said meta-data in disclosing the storage of meta-data that comprises arrangement data with regard to media data such as video data (Page 3, paragraph 0079), because timecode information is a well-known and readily-available method of arranging frames of video data.

The motivation to combine the references as applied to **claim 48** is the same as applied above to **claim 11**, because each claim presents limitations that are applicable to the automatic arrangement and organization of data and meta-data on a storage component of a media data retrieval system.

17. **Claim 52** is rejected under 35 U.S.C. 103(a) as being unpatentable over Newman in view of Kanevsky and in further view of US Patent 6,538,623, hereinafter referred to as Parnian.

Regarding **claim 52**, Newman in view of Kanevsky discloses all limitations of **claim 1** as applied above, and Kanevsky further discloses a Narration being identified for conversion in to said labels by having a greater amplitude than other ambient sound that is recorded from more

remote sources as part of said audio/video data [determining acoustic components of speech using signals such as speech in noisy environments] (Col. 2, line 63 - Col. 3, line 11; Col. 3, lines 40-52).

Parnian additionally discloses a head-mounted sound-sensor device that is worn in close proximity to said narrator in disclosing a mobile device that provides a plurality of media-gathering tools including a wearable microphone (Abstract; Fig. 6A, element 35c; Col. 4, lines 49-60; Col. 10, lines 26-29, lines 47-64).

The references are combinable because each is directed a system of media storage, organization, and retrieval. Kanevsky further provides motivation to combine the references in disclosing the utility of labeling audio [tagging data] based upon identity of speakers or other specified circumstances for the purpose of increasing efficiency in searching a large volume of media data (Co. 1, lines 28-39). Parnian further provides motivation to combine the references in disclosing the utility of a mobile data collection and retrieval device that allows for mobile collection of media data with timestamps to maintain integrity of the data for the purpose of allowing a user to make use of the device to capture data in a remote location (Col. 4, lines 49-60; Col. 10, lines 55-64).

Therefore, the examiner contends that it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Newman, Kanevsky, and Parnian in order to implement a system of media storage, organization, and retrieval that is further operable to utilize audio labels based upon



identity of speakers or other specified circumstances for the purpose of increasing efficiency in searching a large volume of media data, and is further implemented as a mobile data collection and retrieval device that allows for mobile collection of media data with timestamps maintain integrity of the data for the purpose of allowing a user to make use of the device to capture data in a remote location.

### ***Conclusion***

18. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Bates (US Patent 4,272, 790) teaches a video tape editing system that includes synchronization data between multiple tapes using timecode.
- Ardis (US Patent 5,172,281) teaches a video transcript retriever that includes usage of timecode.
- Orphan (US Patent 5,508,754) teaches a system for encoding and displaying captions for television programs using timecode for synchronization.
- Ludwig (US Patent 5,617,539) teaches a multimedia collaboration system with separate data networks and A/V network controlled information transmission.
- Hill (US Patent 5,636,283) teaches a system for mixing audio, including

usage of timecode for synchronization of audio and video.

- Renie (US Patent 5,655,053) teaches a personal video capture system including a video camera at a plurality of different locations, including synchronization features.
- Peters (US Patent 5,905,841) teaches an electronic film editing system using both film and videotape formats, including synchronization features.
- Nunally (US Patent 5,917,958) teaches a distributed video data base with remote searching for image data features.
- Menard (US Patent 6,061,056) teaches a television monitoring system with automatic selection of program material of interest and subsequent display under user control.
- MacCormack (US Patent 6,144,797) teaches an intelligent video information management system performing multiple functions in parallel.
- Foote (US Patent 6,404,925) teaches an apparatus for segmenting and audio-visual recording using image similarity searching and speaker recognition.
- Tritschler (US Patent 6,424,946) teaches an apparatus for unknown speaker labeling using concurrent speech recognition, segmentation, classification and clustering.
- Swaminathan (US Patent 6,425,525) teaches a system and method for inputting, retrieving, organizing, and analyzing data.

- Jones (US PGPUB 2002/0188841) teaches a digital asset management and linking media signals with related data using watermarks.
- Basu (US PGPUB 2003/0018475) teaches a method and apparatus for audio-visual speech detection and recognition.
- Barber (US PGPUB 2003/0165319) teaches a multimedia recording system including organization and cataloguing features.
- Fernandez (US PGPUB 2004/0260669) teaches a network-extensible reconfigurable media appliance.
- Divakaran (US PGPUB 2005/0125223) teaches an audio-visual highlight detection using coupled Hidden Markov Models.
- Bolle (US Patent 6,993,535) teaches a method and apparatus for inducing multimedia classifiers based on features of disparate modalities.
- Reynar (US Patent 7,003,522) teaches a system and method for incorporating smart tags in online content.
- Abbott (US Patent 7,155,456) teaches a system for storing and recalling information of different types using tags, including video, audio, and textual data.
- Danner (US Patent 7,219,136) teaches an apparatus and method for providing network-based information suitable for audio output.
- Julia (US Patent 7,220,073) teaches a system and method for speech activated navigation.

- Colbath (US Patent 7,290,207) teaches a system and method for providing multimedia information management.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Kovacek whose telephone number is (571)270-3135. The examiner can normally be reached on M-F 9:00am - 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Hudspeth can be reached on (571) 272-7843. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

DMK, 07/20/2009

/Talivaldis Ivars Smits/  
Primary Examiner, Art Unit 2626

7/20/2009

